

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JASON CIENIAWA,	:	CIVIL ACTION NO. 1:12-CV-1859
	:	
Petitioner	:	(Judge Conner)
	:	
v.	:	
	:	
	:	
SUPERINTENDENT MAZURKIEWICZ, <i>et al.</i>,	:	
	:	
	:	
Respondents	:	
	:	

ORDER

AND NOW, this 19th day of September, 2012, upon preliminary review of the petition for writ of habeas corpus (Doc. 1) pursuant to 28 U.S.C. § 2254, see R. GOVERNING § 2254 CASES R.4, which reveals that petitioner has failed to satisfy the exhaustion requirements of 28 U.S.C. § 2254(b) and (c)¹, as he presently has pending in the Superior Court of Pennsylvania an appeal of an April 11, 2012, Order of the Court of Common Pleas of Luzerne County “Granting Post-Conviction Relief Act Petition,” (Doc. 1, at pp. 6, 26; see also electronic docket, <http://ujsportal.pacourts.us>), it is hereby ORDERED that:

¹A federal court, absent unusual circumstances, should not entertain a petition for writ of habeas corpus unless the petitioner has first satisfied the exhaustion requirements of 28 U.S.C. § 2254(b) and (c). See Lambert v. Blackwell, 134 F.3d 506, 516 (3d Cir. 1997). A petitioner shall not be deemed to have exhausted the remedies available in the courts of the State, within the meaning of this section, if he has the right under the law of the State to raise, by any available procedure, the question presented. 28 U.S.C. § 2254(c).

1. The petition for writ of habeas corpus (Doc. 1) is DISMISSED without prejudice to petitioner's right to file his petition upon conclusion of state court review.
2. The Clerk of Court is directed to CLOSE this case.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge